

REMARKS

The Final Office Action of December 28, 2007, was received and carefully reviewed. In response, Applicant concurrently files herewith a Request for Continued Examination, and hereby amend claims 4-6 and 40-45 to further define the invention, amend claims 13-15, 46-8, and 52-54 to correct minor errors unrelated to patentability, and cancel claims 34-36 and 49-51 without prejudice or disclaimer. Accordingly, claims 4-15, 37-48, and 52-54 are pending.

On page 2 of the Final Office Action, claims 4, 7, 10, 13, 34, and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Final Office Action alleges that recitation of the phrase “the cylindrical shape curvature,” by claim 4, lacks antecedent basis. Accordingly, Applicant has amended claim 4 to provide antecedent basis for the phrase. Thus, Applicant respectfully asserts that all claims comply with the requirements of 35 U.S.C. § 112, and respectfully request that this rejection be withdrawn.

On pages 2 to 4 of the Final Office Action, claims 4-15 and 34-54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant’s Disclosure in view of Yamazaki et al. (US 6,440,785) and Feldman (US 4,724,222), and claims 34-36 and 49-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant’s Disclosure in view of Yamazaki et al., Feldman, and Muramatsu et al. (US 5,733,182). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claims 4-6, as amended, each recite a laser irradiation apparatus including, in part, a third means for providing an object to be irradiated with the laser beam “wherein the third means comprises first and second pins provided in the laser beam irradiation surface,” and “wherein height of the first and second pins are different from each other.” Similarly, independent claims 40-42, as amended, each recite a laser irradiation apparatus including, in part, a stage “wherein the stage comprises first and second pins provided in the laser beam irradiation surface,” and “wherein height of the first and second pins are different from each other.”

The Final Office Action alleges that “Muramatsu et al. show (Figures 2A and 2B) adjustable pin supports” and that “[t]he use of different length pins in the Feldman chuck would have been obvious at the time applicant’s invention was made to a person having

ordinary skill in the art because it provides more adjustment depending on the workpiece size and shape.” Applicant respectfully disagrees.

First, Applicant respectfully points out that Feldman explicitly requires that “each of the substantially identical pins 18 shown in FIG. 1 has a height h of approximately 250-to-500 μm and a diameter d of about 1000-to-2000 μm .” Here, Feldman discloses, col. 3, lines 42-65, that the pins 18 are securely mounted to the curved top surface of the base portion 12, or may be an integral part of the base portion 12. Accordingly, Applicant respectfully asserts that Feldman explicitly requires that the pins 18 have the same height and remain affixed to, or an integral part of, the base portion 12 to provide uppermost supporting surfaces having a contour identical to the curved top surface of the base portion 12.

Second, and in direct contrast to Feldman, Muramatsu et al. explicitly teaches the use of adjustable pins 70 provided through a substrate holder fixing plate 52 and through a substrate holder 53. Here, Muramatsu et al. explicitly teaches that the adjustable pins 70 are provided to support flat, planar substrates. Accordingly, Muramatsu et al. is completely silent with regard to adjusting the pins 70 to accommodate non-planar, curved surfaces.

Third, Applicant respectfully asserts that one of ordinary skill in the art would not modify Feldman to provide for adjustable pins, since doing so would change the principle operation of Feldman, thereby rendering Feldman unsatisfactory for its intended purpose. As directed by MPEP 2143.01(V), “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).” Moreover, as directed by MPEP 2143.01(VI), “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).” Thus, Applicant respectfully asserts that the modifying Feldman with the alleged teachings of Muramatsu et al. is not sufficient to render Applicant’s claimed invention *prima facie* obvious.

For at least the reasons set forth above, Applicant respectfully asserts that the outstanding rejections under 35 U.S.C. § 103(a) in view of Applicants’ Disclosure, Yamazaki et al., Feldman, and Muramatsu et al. should be withdrawn.

In view of the foregoing, Applicant respectfully requests that the prior art rejections of record be reconsidered and withdrawn by the Examiner, that all pending claims be indicated as allowable, and that the application be passed to issue.

If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone Applicant's undersigned representative to arrange such a conference.

Respectfully submitted,

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